

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JUDAH HARGROVE

Plaintiff(s)

vs.

JAMES HAVILAND, WARDEN

Defendant(s)

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Case Number: 1:02-cv-00703

Senior District Judge S. Arthur Spiegel

JUDGMENT IN A CIVIL CASE

Decision by Court: This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

. . . that the Magistrate Judge's Report and Recommendation (doc. 21) is hereby ADOPTED IN ITS ENTIRETY. Haviland's Objections are OVERRULED (doc. 22). Hargrove's Motion to Strike (doc. 24) is DENIED. Finally, Hargrove's Petition for Writ of Habeas Corpus (doc. 1) is GRANTED unless, within 90 days of the date of this Court's final judgment or within such further time as this Court may allow for good cause shown, the Hamilton County Court of Common Pleas retries Hargrove on the aggravated burglary charge or alternatively modifies Hargrove's conviction to burglary and imposes the appropriate sentence for the crime of burglary.

6/8/05

James Bonini, Clerk

s/Kevin Moser

Kevin Moser

Deputy Clerk